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SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Edlund, et al.	:	
Application No. 09/531,016	:	DECISION ON PETITION
Filed: March 20, 2000	:	
Attorney Docket No. AM9-99-0216	:	

This is a decision on the petition under 37 CFR 1.137(a), filed July 11, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.81 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to timely pay the issue fee on or before May 1, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 1, 2007.

Petitioners assert that the Notice dated February 1, 2007 was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

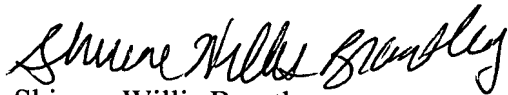
See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993). The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The \$500.00 petition fee will be credited to petitioners' deposit account shortly.

Applicants have paid the \$1,400.00 publication fee and submitted a completed PTOL-85B. Therefore, it is unnecessary to remail the Notice of Allowability and the Notice of Allowance and Fee(s) Due of February 1, 2007 and thereby set a new period for reply.

After the mailing of this decision, the application file will be forwarded to Publications Division for processing into a patent.



Shirene Willis Brantley
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Office of Petitions